

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DONTE JAMAL MCCLELLON,

CASE NO. 25-cv-00609-JHC

Plaintiff,

## ORDER TO SHOW CAUSE

V.

STEPHAN ILLA,

Defendant.

“Federal courts are courts of limited jurisdiction,” and their jurisdiction is limited by the Constitution and “those subjects encompassed within a statutory grant of jurisdiction.”

*Richardson v. United States*, 943 F.2d 1107, 1112 (9th Cir. 1991) (internal citation omitted). “In civil cases, subject matter jurisdiction is generally conferred upon federal district courts either through diversity jurisdiction, 28 U.S.C. § 1332, or federal question jurisdiction, 28 U.S.C. § 1331.” *Peralta v. Hisp. Bus., Inc.*, 419 F.3d 1064, 1068 (9th Cir. 2005).

Under Federal Rule of Civil Procedure 12(b)(1), “the plaintiff bears the burden of establishing subject matter jurisdiction.” *Id.*; Fed. R. Civ. P. 12(b)(1). If a court finds that subject matter jurisdiction does not exist, “the court must dismiss the complaint in its entirety.” *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006). In addition, “subject-matter jurisdiction,

1 because it involves a court's power to hear a case, can never be forfeited or waived." *Id.* (quoting  
2 *United States v. Cotton*, 535 U.S. 625, 630 (2002)).

3 Here, the complaint asserts jurisdiction under Section 1331, which concerns federal  
4 jurisdiction. But it does not make a claim under federal law. It also asserts jurisdiction under 28  
5 U.S.C. § 1367, but that section concerns only supplemental jurisdiction.

6 Accordingly, the Court ORDERS Plaintiff to SHOW CAUSE within ten (10) days of the  
7 date of this order why this action should not be dismissed for lack of subject matter jurisdiction  
8 under Rule 12(b)(1). If Plaintiff does not make this showing, the Court will dismiss the action  
9 without prejudice. In such an event, Plaintiff may seek to file suit in state court.

10 Dated this 7th day of May, 2025.

11  
12   
13 John H. Chun  
14 United States District Judge